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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,944	01/20/2004	Derrick Wright	BE1-0055US	1275
49584	7590	08/21/2006		EXAMINER
LEE & HAYES, PLLC 421 W. RIVERSIDE AVE. SUITE 500 SPOKANE, WA 99201				AU, GARY
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/760,944	WRIGHT ET AL.
Examiner	Art Unit	
Gary Au	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 20 January 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5, 11, 12, 14-16, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 7,053,780 Straub et al. (Straub).

Considering claim 1, Straub teaches a telecommunications device (navigation device 100 or 210 – figure 1A, 1B, and 2, col. 1 line 62 – col. 2 line 2 and col. 3 lines 13-22) for use by a telecommunications user, comprising: a housing (protective housing 102 – figure 1A, col. 2 lines 3-22); a wireless telephone located in the housing for receiving an incoming call and having a first receiver (first receiver 234 – figure 2, col. 4 lines 5-22) and a processor (processor 212 – figure 2, col. 3 lines 13-22) in communication therewith (col. 4 lines 32-42); and a receiver unit located in the housing and having a second receiver for receiving an emergency alert broadcast (weather

receiver 270 – figure 2, col. 5 lines 1-28), wherein the receiver unit is in communication with the processor of the wireless telephone (col. 5 lines 53-67).

Considering claim 2, Straub teaches the first receiver includes a RF transceiver unit (col. 2 lines 48-64).

Considering claim 3, Straub teaches the second receiver includes a NWR weather receiver configured to receiver NWR-SAME emergency alert broadcasts (weather receiver 270 – figure 2, col. 5 lines 1-28).

Considering claim 5, Straub teaches the second receiver includes a digital receiver (col. 5 lines 29-52).

Considering claims 11 and 20, Straub teaches a method and a telecommunications device for providing an emergency alert notification to a user of a telecommunications device in response to receiving an emergency alert broadcast (navigation device 100 or 210 – figure 1A, 1B, and 2, col. 1 line 62 – col. 2 line 2 and col. 3 lines 13-22), the telecommunications device including a housing having located therein a wireless telephone for receiving an incoming call and a receiver unit for receiving the emergency alert broadcast (protective housing 102 – figure 1A, col. 2 lines 3-22), the method comprising: receiving the emergency alert broadcast from an emergency alert transmitter (col. 5 lines 1-28); extracting coded information contained in

emergency alert broadcast (col. 5 lines 29-52); and providing an emergency alert notification to the user of the telecommunications device based upon the extracted coded information (col. 6 line 62 – col. 7 line 13).

Considering claim 12, Straub teaches providing the emergency alert notification to the user of the telecommunications device based upon the extracted information includes comparing the extracted coded information to predetermined information stored in the telecommunications device (col. 6 lines 50-61).

Considering claim 14, Straub teaches providing the emergency alert notification to the user of the telecommunications device based upon the extracted coded information includes providing an emergency alert message to the user of the telecommunications device, the emergency alert message including at least a portion of the extracted coded information (col. 6 line 62 – col. 7 line 13).

Considering claim 15, Straub teaches activating one or more interface resources of the telecommunications device (user interface – figure 3A-3F, col. 8 lines 1-5).

Considering claim 16, Straub teaches providing the emergency alert notification to the user of the telecommunications device based upon the extracted coded information includes providing the emergency alert notification simultaneously with a call in progress (col. 6 line 62 – col. 7 line 13).

Considering claim 19, Straub teaches providing a recommended course of action to the user of the telecommunications device based upon the extracted coded information (col. 8 line 59 – col. 9 line 2).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,053,780 Straub et al. (Straub) as applied to claims 1 above, and further in view of US Patent No. 6,728,522 Marrah et al. (Marrah).

As to claim 4, Straub teaches a NWR weather receiver but fails to teach receiving standard FM and AM broadcasts.

In an analogous art, Marrah teaches a NWR weather receiver further configured to receive standard FM and AM broadcasts (col. 1 lines 13-32 and col. 2 lines 52-65).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Straub's system to include receiving standard FM and AM broadcasts, as taught by Marrah, for the advantage of tuning a weather band radio to receive a plurality of weather band channels from one location (col. 1 lines 13-32).

6. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,053,780 Straub et al. (Straub) as applied to claim 1 above, and further in view of US Patent No. 6,710,715 (Deeds).

As to claim 6, Straub teaches the system above but fails to disclose the processor includes a digital signal processor.

In an analogous art, Deeds teaches the processor includes a digital signal processor (col. 12 lines 3-9).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Straub's system to include a digital signal processor, as taught by Deeds, for the advantage of improving the automatic selection and distribution of messages (col. 2 lines 1-11).

As to claim 7, Straub teaches the system above but fails to disclose the processor includes a microcontroller.

In an analogous art, Deeds teaches the processor includes a microcontroller (col. 12 lines 3-9).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Straub's system to include a microcontroller, as taught by Deeds, for the advantage of improving the automatic selection and distribution of messages (col. 2 lines 1-11).

As to claim 8, the combined system of Straub and Deeds teaches the receiver unit includes a first processing module for extracting coded information contained in the emergency alert broadcast (Straub, col. 5 lines 29-52) and the microcontroller (Deeds, col. 12 lines 3-9) is for providing an emergency alert notification to the telecommunications user based upon the extracted coded information (Straub, col. 6 line 62 – col. 7 line 13).

As to claim 9, the combined system of Straub and Deeds teaches the emergency alert notification includes an emergency alert message (Straub, col. 5 lines 1-28), the emergency alert message including at least a portion of the extracted coded information (col. 5 lines 29-52).

As to claim 10, the combined system of Straub and Deeds teaches the emergency alert message is selected from the group consisting of an audible emergency alert message, a visual emergency alert message, and an audio-visual emergency alert message (col. 6 lines 62 – col. 7 line 13).

7. Claims 13, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,053,780 Straub et al. (Straub) as applied to claim 11 above, and further in view of US Patent No. 6,973,336 (Heie).

As to claim 13, Straub teaches the system above but fails to disclose providing the emergency alert notification to the user periodically at a predetermined time interval for a duration of time.

In an analogous art, Heie teaches providing the emergency alert notification to the user periodically at a predetermined time interval for a duration of time (col. 1 lines 57-67).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Straub's system to include providing the emergency alert notification to the user periodically at a predetermined time interval for a duration of time, as taught by Heie, for the advantage of alerting the user.

As to claims 17 and 18, Straub teaches the system above but fails to disclose an acknowledgement.

In an analogous art, Heie teaches an acknowledgement (col. 1 lines 57-67 and col. 4 lines 59-63).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Straub's system to include an acknowledgement, as taught by Heie, for the advantage of accepting the alert.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822. The examiner can normally be reached on 8am-5pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GA



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